



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JUN 21 2016

Ref: 8ENF-UFO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Corporation Trust Company
Registered Agent for Noble Energy, Inc.
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

Re: Request for Information Pursuant to Sections 308 and 311 of the Clean Water Act
NRC Report No. 1139387

To Whom This May Concern:

The U.S. Environmental Protection Agency (EPA) is investigating the discharge of condensate that occurred at a tank battery located in NESE, Sec 20, T 5N, R 66W, Weld County, Colorado (NRC Report No. 1139387). As part of the EPA's investigation, and pursuant to its authority granted by sections 308 and 311 of the Clean Water Act (CWA), 33 U.S.C. §§ 1318 and 1321, the EPA asks that Noble Energy, Inc. (the Company) provide the information requested in this letter related to the above referenced discharge.

Please send the requested information no later than forty-five days of your receipt of this letter, along with the enclosed certification, to:

U.S. Environmental Protection Agency, Region 8
Donna Inman (8ENF-UFO)
1595 Wynkoop Street
Denver, Colorado 80202-1129

The Company's response to this request must be accompanied by a certificate that is signed and dated by someone who is authorized by the Company to respond to this request. The certification must state that the response is complete and contains all information and documentation available to the Company that is responsive to this request. A sample Statement of Certification is enclosed. The Company must also correct or supplement its response to this request upon learning that the information it has provided is not accurate or complete.

The Company may claim that the EPA should treat any of the requested information as confidential. To make such a claim, the Company will need to place on or attach to the information, at the time it is

submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." In addition, to make such a claim, the Company will need to follow the procedures in 40 C.F.R. part 2, subpart B (as promulgated at 41 Fed. Reg. 36902 on Sept. 1, 1976, 43 Fed. Reg. 39997 on Sept. 8, 1978, and 50 Fed. Reg. 51654 on Dec. 18, 1985). If the Company makes a confidentiality claim, the EPA will disclose the information covered by the Company's claim only as allowed by 40 C.F.R. part 2, subpart B. Making a confidentiality claim, however, does not guarantee that the EPA will agree that the information is entitled to confidential treatment. If the Company does not make such a claim when it submits the information to the EPA, the EPA may make the information available to the public without notifying the Company. Note that emissions information is not considered confidential under section 114(c). **The Company is required to provide the requested information even if it claims that the information is confidential.**

If the Company is a small business, it may find the enclosed Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet useful. This information sheet contains information on compliance assistance resources and tools available to small businesses. By including this information sheet, the EPA has not necessarily determined that the Company is a small business. SBREFA does not eliminate the Company's responsibility to respond to this information request.

It is very important that the Company respond to this request for information. Failure to provide required information could result in civil penalties of up to \$37,500 per day of violation, and even harsher criminal consequences are possible in the case of deliberate false statements. *See* 33 U.S.C. § 1319; *see also* 18 U.S.C. § 1001.

This Request for Information is exempt from the approval requirements of the Paperwork Reduction Act, 44 U.S.C. §§ 3501–3521.

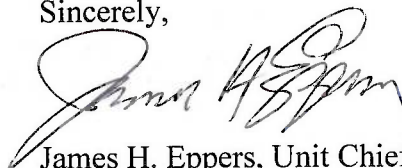
If there are questions concerning this information request, the Company should contact Donna Inman at 303-312-6201 or Inman.DonnaK@epa.gov. If the Company is represented by an attorney who has questions, the attorney should contact Abigail Dean, Enforcement Attorney, at 303-312-6106 or dean.abigail@epa.gov.

Thank you for your cooperation and attention to this matter.



Stephanie DeJong, Acting Supervisor
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Sincerely,



James H. Eppers, Unit Chief
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

1. Request for Information
2. Statement of Certification Form
3. Small Business Resources Information Sheet

INSTRUCTIONS FOR THE REQUEST FOR INFORMATION

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this request.
2. Precede each answer with the number of the question to which it corresponds.
3. If any request is not applicable, indicate N/A and state why the request is not applicable.
4. For each question, identify all persons consulted in preparation of the answer or response.
5. For each question, identify each document consulted, examined or referred to in preparation of the answer. Provide accurate and legible copies of each such document. On each such document, please write the number of the item to which it responds.
6. If information or documents not known or not available to you as of the date of submission of a response to this request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
7. If any information or document that responds to this request is not in your possession, custody, or control, please identify each person from whom such information or documents may be obtained and where such information or documents may be located.
8. If you have reason to believe that any other person may be able to provide additional information, details, or documents, or a more complete response to this request, please provide the name, address, and telephone number of each such person and a description of the additional information or documents that you believe this person may have.
9. When a response is provided in the form of a number, please specify the units of measurement of the number in a precise manner.
10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.

DEFINITIONS FOR THE REQUEST FOR INFORMATION

The following definitions shall apply to the following words as they appear in this Request. All terms not specifically defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Water Act, 33 U.S.C. §§ 1251–1387, the Oil Pollution Act, 33 U.S.C. §§ 2701–2762, or their respective regulations, in which case the statutory or regulatory definitions shall apply. Upon request, the EPA will supply the full definition from the statutory and regulatory provisions referenced above.

1. The terms “the Company” and “you” mean Noble Energy, Inc., and any parent, subsidiary, or affiliated company, predecessor- or successor-in interest, any other related business entity, and any officer, director, manager, employee, contractor, trustee, partner, successor, assign, and agent of any such company or entity.
2. The term “describe” shall mean provide in detail all information you are aware of that may relate in any way to the information, person, or document referenced.
3. The terms “document” and “documents” shall mean any written, recorded, or visually or aurally reproduced material of any kind in any medium. These terms shall mean any object that records, stores, or presents information, and includes writings, memoranda, letters, emails, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. All documents shall also include all attachments to or enclosures for the document provided.
4. The term “identify” means, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership), organization, if any, and a brief description of its business.
5. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number if any (e.g., invoice or purchase order number), and the substance or subject matter.
6. The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.
7. The terms “and” and “or” shall be construed either conjunctively or disjunctively, as necessary and appropriate, to bring within the scope of this Request any information that might otherwise be construed to be outside its scope.
8. The term “facility” shall mean “any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in

Appendix A to this [Part 112]. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.”

9. The term “oil” means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.
10. The term “discharge” includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes discharges in compliance with a permit under section 402 of the CWA.
11. The terms “owner” and “operator” mean any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.
12. The term “person” includes an individual, firm, corporation, association, or partnership.
13. The term “sheen” means an iridescent appearance on the surface of water.
14. The term “sludge” means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water.
15. The terms “Spill Prevention, Control, and Countermeasure Plan,” “SPCC Plan,” or “Plan” means the document required by 40 C.F.R. §112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

REQUEST FOR INFORMATION

1. List the name, address, and telephone number of the individual answering this Request for Information, and describe that individual's relationship to the Company (e.g., employee, contractor).
2. Identify the person(s) whom you wish to receive all further communication from the EPA related to this Request for Information.
3. For the discharge of oil identified in the cover letter (NRC No. 1139387), provide the information requested in questions 4 through 34.
4. Describe the facility from which oil or any other pollutant was discharged, indicating its location, type of operations, and, if applicable, the lease name and number. Also provide the API number and any other identification numbers for any wells associated with the facility.
5. Indicate whether the Company owned the facility at the time of the discharge and whether the Company still owns the facility.
6. Indicate whether the Company operated the facility at the time of the discharge and whether the Company still operates the facility.
7. If the facility from which the discharge occurred has been owned or operated by an entity other than the Company at the time of the discharge or any time since, provide the name and business address of each such owner and each operator, indicate whether each such entity is an owner or operator (or both), indicate whether each owner and operator is a corporation, partnership, LLC, individual, or other type of entity, describe the relationship, if any, between the Company and each such owner or operator, and, if applicable, indicate the state in which the owner or operator was incorporated or organized.
8. Describe the type and source of discharge (*e.g.*, spill from a pipeline, tank, or well, *etc.*).
9. State the time and date of the discharge and how this information was determined.
 - a. State the date and time the discharge was discovered.
 - b. State the name of the individual who discovered the discharge and how that person discovered it.
 - c. State the date that the discharge commenced.
 - d. State the date and time the discharge ended.
 - e. State the total number of days the discharge occurred.
 - f. Describe the weather conditions (*e.g.*, temperature, precipitation, cloud cover) at the time of the discovery of the discharge.

10. State the total quantity of fluids discharged. State the total quantity and type of oil discharged, including the chemical name, formula, and specific gravity, and how this information was determined.
 - a. Provide copies of the pertinent Safety Data Sheets, if available.
 - b. State the type, total capacity and purpose of the container, tank or equipment from which the discharge occurred.
 - c. Describe any secondary containment, or leak/spill prevention equipment for the facility and, if applicable, the quantity of the discharged material that was captured and/or retained by that equipment.
 - d. If the discharge was from a pipeline, indicate the size and daily throughput of the pipeline.
 - e. Describe the basis for any calculations or approximations of the quantity of oil discharged, including all information that was considered, evaluated or relied upon in making such calculations or approximations.
11. State whether any other pollutant other than oil was discharged, and provide your best estimate of the total amount of each such pollutant.
 - a. If the material discharged was a mixture, provide the percentages of pollutants in the mixture or solution.
 - b. List each, if any, pollutant that was discharged that meets the definition of a "hazardous substance" in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601(14).
12. Provide a copy of each sample analysis, if any, of the discharged oil or other substance, of the receiving water, and of any soil impacted by the discharge. Include each location from which any sample was collected, the date and time each sample was collected, the name of the individual collecting each sample, and the name of the laboratory that conducted any analysis. Provide a map of all sampling locations.
13. Describe any spill/leak prevention or containment practices implemented at the facility used to prevent or contain the leak/spill (e.g., employee training, preventative maintenance or other preventative measures).
14. Provide details on the specific location of the discharge, including:
 - a. The latitude, longitude, datum, county and state,
 - b. The street address and city, if applicable, and
 - c. The township, range, quarter-sections and fractions for rural areas.

15. State if the discharge was in Indian country. If yes, describe the land status (*e.g.*, tribal trust, tribally owned fee, Indian allotment, non-Indian owned fee, non-Indian allotment).
16. State if the discharged oil or other pollutant reached or threatened to reach any waterway or body of water (water), or any drainage leading to that water, including any wetlands, marshes or sewers. If it did:
- Provide the name of that water, and describe it, including its width and depth, flow, direction, and condition at time of discharge (*e.g.*, low, flooded, quiet, turbulent, dry).
 - State each use of the water (*e.g.*, drinking, agriculture, ranching, recreation, commerce).
 - Describe the pathway(s) from the facility at which the discharge occurred to a drainage connecting to that water. Provide diagrams and topographic or other maps.
 - Describe the location of the water in relation to the equipment or vehicle from which the discharge originated (*e.g.*, distance, direction, elevation).
 - State the quantity of oil or other pollutant that reached the water and how the amount was determined.
 - State the quantity of discharged oil or other pollutant that did not reach the water and how that amount was determined.
 - Beginning from the point where the discharge reached the water to its confluence with an interstate water or navigable-in-fact water, identify the name and stream status (*e.g.*, ephemeral, intermittent, perennial, *etc.*) of each stream segment between the discharge and that interstate or navigable-in-fact water.
 - Describe any film, sheen, discoloration, or iridescent appearance that the discharge caused on the surface of any water or adjoining shorelines. Provide the name, title and business telephone number of each person making the observation.
 - Describe any sludge or emulsion deposited on the adjoining shorelines or beneath the surface of the water described above. Provide the name, title and business telephone number of each person making the observation.
 - Indicate how long the discharged oil or other pollutant remained in or on the water, as well as on any adjoining shoreline.
 - If the Company takes the position that any water impacted by the discharge is not a “navigable water” as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7), explain the basis for this position.

17. Describe any damage from the discharge:

- a. to animal life - number and species of injured or dead fish, birds, animals, insects, *etc.*
- b. to vegetation - how many feet, acres, or miles of land were affected, type of vegetation, crops, timber, forest, prairie grasses, scrub, *etc.*

18. List and describe each, if any, sensitive environment, wildlife habitat or refuge, endangered species, water well, or drinking water intake in the area of the discharge. State the location and distance of each from the discharge.

19. Provide the date and time the discharge was controlled.

- a. Describe the steps to control and clean up the discharge, including dates and times of each measure.
- b. Describe steps taken to mitigate any environmental damage from the discharge.
- c. Describe the quantity, if any, of the spilled material that has remained in the environment.
- d. Indicate when the Company considered any cleanup operations complete and when all discharged material was removed from the water and/or any adjoining shoreline.
- e. Estimate the cost of all cleanup operations.

20. Was a dispersant, bioremediation agent or surfactant (Agent) used? If it was, provide the following:

- a. Name of Agent(s) that was applied.
- b. The latitude, longitude, and datum of each location where the Agent was applied and/or provide a map indicating the locations of all applications.
- c. The method of application and proportions of the Agent applied.
- d. The name of the individual who applied the Agent and his or her relationship to the owner and operator of the facility from which the discharge occurred.
- e. If the Company received permission from a federal On-Scene Coordinator before the application of any Agent, provide the name of the individual who provided this permission and on what date was it provided.

21. Describe in detail each cause (*e.g.*, equipment failure, operator error, inadequate procedures or maintenance, *etc.*) of the discharge.

- a. Describe the events leading up to the discharge.
- b. Describe any measures taken to prevent any future discharges from this source.

- c. Describe any follow-up procedures or inspections following the incident.
22. Identify each individual (including name, title, business phone number, and business address) who was present at any time from the beginning of the discharge to the completion of cleanup or related follow-up work. For each such individual, describe what he or she did during that time period that related in any way to the discharge (*e.g.*, assessing the discharge, initiating spill response, supervising the cleanup, *etc.*).
23. Identify any additional individual(s), including name, title, business phone number, and business address, who may have knowledge of the facts surrounding the discharge.
24. List the federal, state, tribal, and/or local agencies to which the discharge was reported. Indicate the date and time of each notification and the name, telephone number, and address of each official contacted. Include any identifying numbers (*e.g.*, NRC number, spill number, *etc.*) assigned by the agency to the discharge.
25. Describe any penalties assessed or orders issued by any governmental entity for the discharge. Provide the name of each entity assessing any such penalty or order, the amount of each penalty, the date each penalty or order was assessed or issued, and any case or order numbers.
26. Describe in detail any previous discharges that have occurred from this facility within the past five years.
- a. State the type of all pollutants discharged, including the chemical name, formula, and specific gravity. If the material discharged was a mixture, please give the percentages of substances in the mixture or solution. Use this format:
- | <u>Date</u> | <u>Pollutant</u> | <u>Source</u> | <u>Quantity</u> | <u>Waterway Affected/Threatened</u> | <u>Cause</u> |
|-------------|------------------|---------------|-----------------|-------------------------------------|--------------|
| | | | | | |
- b. Describe any measures taken to prevent or mitigate future discharges from the facility for the spills, releases or discharges listed above.
27. State the total aboveground and underground oil storage capacities at any oil storage facility associated with the discharge. State the total capacity, not the actual amount stored.
28. Is the facility from which the discharge occurred subject to a Spill Prevention Control and Countermeasure (SPCC) plan, as described by 40 C.F.R. part 112? If yes, provide a copy of the SPCC plan. If the SPCC plan has already been submitted to the EPA, indicate when and to whom.
29. Does the facility from which the discharge occurred have a Facility Response Plan (FRP), as described in 40 C.F.R. part 112? If yes:
- a. Provide a copy of the Certification of Substantial Harm and the relevant planning distance calculation.
- b. If a copy of the FRP has been submitted to the EPA, provide the FRP number and the date it was submitted to the EPA.

c. Provide the FRP approval date.

30. List any applicable EPA, state, county or local governmental identification or permit numbers (e.g., NPDES, RCRA, *etc.*) applicable to the facility at which the discharge occurred, using the following format.

<u>Number</u>	<u>Facility/Unit Assigned To</u>	<u>Issuing Agency</u>	<u>Date Issued</u>
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31. What was the age of the facility from which the discharge occurred at the time of the discharge? If you do not know the answer to this question, identify all persons who may have any information that may assist the EPA in determining the age of the facility.

32. Describe any inspections of the facility where the discharge occurred that the Company or any entity hired by the Company conducted at any time in the 24-month prior to the discharge.

a. Describe the inspection results.

b. Provide any applicable inspection reports.

33. Describe any and all maintenance, repair, or other work performed on the facility from which the discharge occurred during the year prior to the discharge.

a. Provide any maintenance plans in effect for the equipment and/or vehicle from which the discharge occurred during the year prior to the discharges.

b. Provide any maintenance, repair or similar reports written for the equipment and/or vehicle from which the discharge occurred during the year prior to the discharges.

34. Provide any additional pertinent information, reports, photographs, *etc.*, that you have related to the discharge and the facility from which the discharge occurred. For any photographs taken in color, please submit color copies. If you have any of the following documentation in your possession or readily accessible, provide copies of the following:

a. USGS topographic maps (of the facility and of the discharge),

b. Geographic Information System (GIS) maps or data,

c. aerial photography, both current and historical,

d. hydrologic flow and fate or transport models,

e. wetland and stream functional models,

f. stream profiles and culvert sizes,

g. stream gauge data, and

h. precipitation records.

Noble Energy, Inc.

Response to Request for Information Pursuant to Section 308 of the Clean Water Act

Statement of Certification

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Official Title



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.